



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: : Allowed: June 28, 1991
MOHIUDDIN et al. : Issue Fee Due:
 : September 30, 1991
Serial No.: 07/330,156 : Batch No. Q89
 : Group Art Unit: 336
Filed: March 29, 1989 : Examiner: M. Polutta
 : Attorney Docket No.:
For: NOVEL METHODS OF : 7253-004-999
MYOCARDIAL IMAGING :

TRANSMITTAL LETTER

Honorable Commissioner of Patents and Trademarks
BOX ISSUE FEE
Washington, D.C. 20231

Sir:

On July 8, 1991, applicants received a Notice of Allowance and Issue Fee Due, dated Jun 28, 1991, for the above-identified application. On July 17, 1991 the assignee of the above-identified application was served with a Protest Under 37 C.F.R. §1.291(a) for this application. On July 23, 1991 attorneys for applicants informed Examiner Polutta that the assignee had received this protest. The Examiner stated that he had not yet officially received the Protest through the Patent Office. Thereafter, on July 23, 1991, in order to facilitate the resolution of this matter, applicants filed in the Patent Office copies of the Protest that had been received as well as a Response by applicants to the Protest filed under 37 C.F.R. §1.291(a). Applicants did not pay the Issue Fee after the Protest had been received in order to permit the Examiner to

CERTIFICATE UNDER 37 CFR 1.8(a)

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(Date of Deposit)

Thomas G. Rowan

34419

(Reg. No.)

September 27, 1991

(Date of Signature)

review this matter and expedite the ultimate allowance of the patent.

Subsequently, on September 3, 1991, attorneys for applicants received a communication from Examiner Polutta dated August 30, 1991. This communication stated that applicants' response to a protest had been received, however no formal protest had been received by the Patent Office at this time. Thus, there has been no action taken with regard to a protest.

Since Examiner Polutta has stated that no formal protest has been received by the Patent Office and applicants believe the protest they were served with is not meritorious, applicants are now enclosing authorization for payment of the Issue Fee for the present application. In addition, applicants are enclosing a change in Small Entity Status Pursuant to 37 C.F.R. §1.28(c)(2), a Verified Statement Pursuant to 37 C.F.R. §1.28(c)(2) as well as authorization to charge the required fees to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,

PENNIE & EDMONDS

Date: September 27, 1991

Gerald J. Flintoft 20,823
Gerald J. Flintoft (Reg. No.)
By Thomas G. Dowan (Reg. No. 34,419)
1255 Avenue of the Americas
New York, New York 10036
(212) 790-9090



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MOHIUDDIN, et al.

Serial No.: 07/330,156

Filed: March 29, 1989

For: NOVEL METHOD OF
MYOCARDIAL IMAGING

Allowed: June 28, 1991

Issue Fee Due: September 30, 1991

Batch No. Q89

Group Art Unit: 336

Examiner: M. Polutta

Attorney Docket No.:
7253-004

FEE TRANSMITTAL SHEET

Honorable Commissioner of Patents and Trademarks
BOX ISSUE FEE
Washington, D.C. 20231

Sir:

The fee required to be filed with the accompanying Change in Small Entity Status Pursuant to 37 C.F.R. §1.28(c)(2); Verified Statement Pursuant to 37 C.F.R. §1.28(c)(2) and Response to Notice of Allowance, Issue Fee Due, of even date herewith concerning the above-identified application has been estimated to be \$2,052.00.

Please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150. Also, in the event any extensions of the time for responding are required, please treat this paper as a petition to extend the time as required and charge Pennie & Edmonds Deposit Account No. 16-1150 therefor. A copy of this sheet is enclosed.

Respectfully submitted,

Date: September 27, 1991

Gerald J. Flincoft 20,823
Gerald J. Flincoft (Reg. No.)

By Thomas G. Rowan (Reg. No. 34419)

PENNIE & EDMONDS
1155 Avenue of the Americas
New York, New York 10036-2711

(212) 790-9090

Enclosure

CERTIFICATE UNDER 37 C.F.R. §1.8(a)

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Thomas G. Rowan 34419
(Date of Deposit) (Reg. No.)
September 27, 1991
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dated February 27, 1991; \$570.00 for additional claims in amendment dated June 11, 1991. Authorization is hereby given to charge any deficiency between the amount of fees paid and the amount due, estimated to be \$1,402.00 by charging the requisite amount to Pennie & Edmonds Deposit Account No. 16-1150. A duplicate of this sheet is enclosed.

Respectfully submitted,

PENNIE & EDMONDS
Attorneys for Applicants

Dated: 9/27/91
Tel: (212) 790-9090)

Gerald J. Flintoft
Gerald J. Flintoft (Reg. No. 20,823)
1155 Avenue of the Americas
New York, New York 10036-2711
By Thomas S. Brown
(Reg No. 34,419)



#29

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant of: : Allowed: June 28, 1991
Issue Fee Due:
MOHIUDDIN et al. : September 30, 1991
Batch No. Q89
Serial No.: 07/330,156 :
Filed: March 29, 1989 : Group Art Unit: 336
For: NOVEL METHODS OF : Examiner: M. Polutta
MYOCARDIAL IMAGING : Attorney Docket No.
7253-004-999

VERIFIED STATEMENT PURSUANT TO 37 C.F.R. §1.28(c)(2)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

It has been discovered that the establishment of small entity status in the above-identified application may have been done erroneously, but in good faith, due to an existing agreement of the assignee, Medco Research Inc. relating to the subject matter of the above-identified application. The details as to how this error occurred in good faith are set forth below.

The parent application for the above-identified application was filed on August 11, 1988 and assigned serial No. 07/231,217. Small entity status was properly established for the parent application by the assignee Medco Research, Inc. Thereafter, the assignee Medco Research, Inc. entered into an agreement with a business entity which would not qualify as a small entity, granting rights related to said parent application. Subsequently, on March 29, 1989, the above-identified application was filed as a continuation-in-part of said parent application. Small entity status was again established in good faith for the above-identified continuation-in-part application, since the assignee, Medco Research, Inc. was unaware of the potential effect of its existing agreement on small entity status in the present application.

This possible error in the establishment of small entity status was discovered on or about July 11, 1991 when the attorneys for applicants received the Notice of Allowance and Issue Fee Due form and reviewed with Medco Research, Inc. the small entity status in the present application. Based on the discovery of the above it was decided to withdraw small entity status and pay the deficiency between the amount paid and the amount due, pursuant to 37 C.F.R. §1.28(c)(2).

Medco Research, Inc.

Dated: July 23, 1991

By: 
Archie W. Prestayko, Ph.D.

Title: President



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: M. Polutta
For: NOVEL METHODS OF :
MYOCARDIAL IMAGING : Pennie & Edmonds
1155 Avenue of the Americas
Attorney Docket No. 7253-004 : New York, New York

CHANGE IN SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. §1.28(c)(2)

Honorable Commissioner of Patents and Trademarks
BOX ISSUE FEE
Washington, D.C. 20231

Sir:

In an abundance of caution and due to an existing agreement relating to the invention described and claimed in the above-identified application, notice is hereby given that small entity status may have been erroneously established in the above-identified application and is thus withdrawn. A Verified Statement pursuant to 37 C.F.R. §1.28(c)(2) explaining how this possible error occurred in good faith and how and when it was discovered is submitted concurrently herewith.

The fees which have been paid as a small entity in the above-identified application have been estimated to be \$1,342.00, as follows: filing fee \$170.00, plus \$72.00 for additional claims; \$60.00 for filing declaration in response to notice to file missing parts; \$470.00 for additional claims in amendment

CERTIFICATE UNDER 37 C.F.R. §1.8(a)

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Thomas G. Nowan

(Date of Deposit)

34,419
(Reg. No.)

September 27, 1991

(Date of Signature)

dated February 27, 1991; \$570.00 for additional claims in amendment dated June 11, 1991. Authorization is hereby given to charge any deficiency between the amount of fees paid and the amount due, estimated to be \$1,402.00 by charging the requisite amount to Pennie & Edmonds Deposit Account No. 16-1150. A duplicate of this sheet is enclosed.

Respectfully submitted,

PENNIE & EDMONDS
Attorneys for Applicants

Dated: 9/27/91
Tel: (212) 790-9090

Gerald J. Flintoft
Gerald J. Flintoft (Reg. No. 20,823)
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New York, New York 10036-2711
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1155 Avenue of the Americas
Attorney Docket No. 7253-004 : New York, New York

CHANGE IN SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. §1.28(c)(2)

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